

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 229/MP/2016**

Subject : Petition under Section 79(1)(b) read with Section 79(1)(f) of the Electricity Act, 2003 seeking compensation on account of occurrence of 'Change in Law' and 'Force Majeure' events relating to Power Purchase Agreement dated 19.8.2013 entered into between the Petitioner and the Respondent.

Petitioner : D.B. Power Limited.

Respondent : Tamil Nadu Generation and Distribution Corporation Limited

**Petition No. 101MP/2017**

Subject : Petition under Section 79 (1)(b) read with Section 79(1)(f) of the Electricity Act seeking compensation on account of occurrence of 'Change in Law' and 'Force Majeure' events relating to Power Purchase Agreement dated 1.11.2013 entered into between the petitioner and the respondents.

Petitioner : D.B. Power Limited

Respondents : PTC India Limited and Others

Date of hearing : 27.7.2017

Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member  
Dr. M.K. Iyer, Member

Parties present : Shri Deepak Khurana, Advocate, DBPL  
Shri Ashish Anand Bernad, Advocate, PTC India  
Shri Paramhans, Advocate, PTC India  
Shri Sanjay Kumar, Advocate, PTC India  
Shri Shashi Kumar Jain, Advocate, Rajasthan Discoms  
Shri Tarun Ahuja, Advocate, Rajasthan Discoms  
Shri S. Vallinayagam, Advocate, TANGEDCO  
Shri M.G. Ramachandran, Advocate, Prayas  
Ms. Ranjitha Ramachandran, Advocate, Prayas  
Ms. Anushree Bardhan, Advocate, Prayas  
Shri Anand K. Ganesan, Advocate, RUVNL  
Ms. Swapna Seshadri, Advocate, RUVNL  
Shri Mohan B., RUVNL

## Record of Proceedings

Learned counsel for the Petitioner submitted that the pleadings have been completed in Petition No. 229/MP/2016. Learned counsel for the Petitioner further submitted that in compliance of the Commission's directions dated 15.6.2017, the Petitioner has filed the requisite information in Petition No. 101/MP/2017.

2. Learned counsels appearing on behalf of PTC India Ltd. and Prayas requested for a weeks' time to file their reply and written submission, respectively. Requests were allowed by the Commission.

3. The Commission directed the Petitioner in both the Petitions, to submit the following information on affidavit, on or before 11.8.2017:

(i) Copy of contract agreements with the agencies who have taken ash from the power plant from 30.11.2016 to 31.3.2017 alongwith the copy of Expression of Interests invited by the Petitioner for transportation of fly ash;

(ii) Detailed justification of the difference in the rate of ash transportation cost submitted by the Petitioner in both the Petitions, whereas the agencies off-taking the ash and the distance of supply of ash from power plant are the same.

4. After hearing the learned counsels for the Petitioner, the Respondents and Prayas, the Commission directed the Respondents and Prayas to file their replies and written submission, respectively on or before 11.8.2017 with an advance copy to the Petitioner, who may file its rejoinder, if any, by 25.8.2017. The Commission directed the parties that due date of filing the replies, written submission, information and rejoinder should be strictly complied with. No extension shall be granted on that account.

5. The Petitions shall be listed for hearing on 5.9.2017.

**By order of the Commission**

**Sd/-  
(T. Rout)  
Chief (Law)**